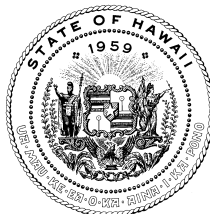


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**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

**MINUTES
KAUAI / NIIHAU ISLAND BURIAL COUNCIL MEETING**

DATE: THURSDAY, FEBRUARY 1, 2007
TIME: 9:00 A.M.
PLACE: KAUAI COUNTY COUNCIL CHAMBERS
5396 RICE STREET
LIHUE, HAWAII 96766

ATTENDANCE:

Members: Mark Hubbard, Chair Donna A'ana-Nakahara
Kunane Aipoalani Dee Crowell
John Kruse Barbara Say

Absent: Sandra Quinsaas (Excused)
Leiana Robinson (Unexcused)
Henrietta Thaxton (Excused)
Presley Wann (Unexcused)

Staff: Melanie Chinen, SHPD Administrator
Vincent Kanemoto, Deputy Attorney General
Nancy McMahon, Kauai Archaeologist

Guests: Rayne Regush
Sharron Weber
Andy Friend
Trisha Drennan, SCS Archaeology
Jim Powell, SCS Archaeology

I. CALL TO ORDER & ROLL CALL

Chair Hubbard called the meeting to order at approximately 9:45 a.m. Members present include: Donna A'ana-Nakahara, Kunane Aipoalani, Dee Crowell, Mark Hubbard, John Kruse, and Barbara Say. Members Sandra Quinsaas and Henrietta Thaxton were excused. Members Leiana Robinson and Presley Wann did not contact the division.

II. OPENING REMARKS

Chair Hubbard thanked the community for being present and apologized for the late start of the meeting.

III. APPROVAL OF NOVEMBER 2, 2006 MEETING AND CLOSED EXECUTIVE SESSION MINUTES

Motion made and seconded to approve the November 2, 2006 Open Session and Closed Executive Session Minutes. (Say/A'ana-Nakahara)

VOTE: ALL IN FAVOR. Motion carries.

IV. BUSINESS

A. Burial Treatment Plan for Site 50-30-08-3959 and 50-30-08-3960

Kealia Ahupua'a, Kawaihau District, Island of Kaua'i [TMK: (4) 4-7-003:002 (por.)]

Information/Discussion/Recommendation: Council discussion and recommendation on the proposed measures in the burial treatment plan.

Chair Hubbard informed members that the draft BTP for Kealia was included in their January packet. Jim Powell from SCS archaeology informed the Council members that burials were found in the center of what was previously Kealia plantation. Powell informed the Council that he believed the remains were previously disturbed as a brick foundation and railroad track was found under the surface. In addition, no in-situ remains were found. SCS sifted through the back dirt and collected what could be found. He also commented that the skeletal remains are now locked up on the property's base yard. Powell discussed access to the proposed reinterment site from Kauai Road and pointed out that parking would be available along Kauai Road.

Member Barbara Say asked whether a Korean Church had been located in the proposed reinterment location. Powell said the Church was located near the river and not at the proposed reinterment site. Chair Hubbard stated the BTP recommends on-site relocation of any human remains or burials to their respective lots. Hubbard questioned whether these are lots in the subdivision. Powell indicated the lots are in the subdivision and each property owner would have to deal with the burials. Chair Hubbard asked what the lots were to be used for. Andy Friend of the Plantation Partners indicated tea and taro would be cultivated on the site. The developer would do tea cultivation and enter into a long term lease agreement for the taro. The site will include a visitor center and include products from the tea and taro cultivation. Friend estimated the facility would be about 1,500 to 2,000 square feet. Hubbard asked whether the project would impact the burial site and Friend stated it would not. Friend indicated the relocation site is zoned as agriculture.

Rayne Regush asked whether the council had a copy of Melanie Chinen's June 26, 2006 letter that puts into context an archaeological inventory survey that had not been addressed. Ms. Regush informed the council that Ms. Chinen's letter discusses known heiaus in the ahupuaa. Ms. Regush also requested that she receive a copy of the BTP.

Nancy McMahon said the developer requested two subdivision applications from the county. SHPD requested an inventory survey be done, and Andy Friend has worked with Ms. McMahon to address this recommendation. Phase I of the archaeology survey has been done and the SCS is now conducting phase 2 of the work. Ms. McMahon pointed out that the archaeology inventory survey (AIS) has no impact on the council's determination for burial treatment. Chair Hubbard noted that the AIS is beyond the scope of the council.

Chair Hubbard indicated that once the BTP goes to the Council it becomes public record unless the Council decides to keep all or parts of it confidential. Chair Hubbard said the location of burials is something the Council may want to keep confidential. Deputy Attorney General Vince Kanemoto added that if the council deemed the document to be sensitive due to its containing burial site locations the Council could vote to maintain the confidentiality of the document. Ms. Regush pointed out that legal notice for the remains found during excavation was posted during January and stated descendants may not have had the opportunity to come forward as the posting allows for a 30 day notification period. Chair Hubbard indicated the BTP is on the agenda merely for recommendation, and that a final determination as to whether the burial should be maintained in place or relocated would not occur until the council's next meeting.

Hubbard asked the council whether they had any recommendation about the BTP for the department's consideration.

Motion was made and seconded to Defer Recommendation on the Treatment of Burials for Sites 50-30-08-3959 and 50-30-08-3960 Until the Council's Next Meeting. (Kruse/Say)

VOTE: ALL IN FAVOR. Motion carries.

Hubbard asked the council whether there was any recommendation to deem the draft BTP as being sensitive. Hearing no recommendation the Chair indicated the Council would move on to the next item for discussion.

- B. Burial Treatment Plan for an Archaeological Inventory Survey of a 350-Acre Parcel in the Waipake Ahupua'a, Kawaihau District, Island of Kaua'i [TMK: (4) 5-1-03:06]**
Information/Discussion/Recommendation/Determination: Council discussion and recommendation of the proposed measures in the burial treatment plan. Council determination of preservation in place or relocation of the previously identified burial on the subject property.

Chair Hubbard indicated this project was discussed during the November 2006 meeting and reminded the Council that cultural recognition was given to an applicant (Randy Rego). There were no other recommendations to the BTP at that time. Hubbard indicated that the draft BTP recommended preservation in-place and he reminded the Council that it needed to make a determination on the matter.

**Motion was made and seconded to Preserve Burials In Place.
(Crowell/Aipoalani)**

VOTE: ALL IN FAVOR. Motion Carries.

C. Repatriation Process for iwi in the Bishop Museum's collections from Kaua'i

Discussion/Recommendation: Council discussion and recommendation of the Kaua'i/Ni'ihau Island Burial Council's involvement in the repatriation process for iwi in the Bishop Museum's collections from Kaua'i.

Nancy McMahon informed the Council that in the past remains had been accepted with Hui Malama under NAGPRA.

Melanie Chinen indicated that the department cannot be a claimant under NAGPRA, and that this was a decision to be made by the Council as they would be the claimant. She indicated that it is important to have a claimant so that the remains could be reinterred. If no claimant comes forward then the remains would stay with the Bishop Museum. Chair Hubbard informed the Council that their information packet included a list of the six cases that were being repatriated. These remains include human teeth and bone fragments. Chinen indicated she was not aware as to whether there were other claimants. Jim Powell informed the Council that if sites are needed for reinterment there is room at the Waialua Golf Course and Kapaa Lookout.

Motion was made and seconded that Council inform the Museum that it would be willing to accept the remains and would like them to be returned to Kauai. If there are no other claimants with a more direct relationship, then the Council will accept the remains and find an adequate relocation site. (Hubbard/Say)

VOTE: ALL IN FAVOR. Motion carries.

V. INADVERTENT DISCOVERIES

A. Inadvertent Discovery [TMK: (4) 5-8-011:049]

Haena Ahupua'a, Hanalei District, Island of Kaua'i
Information

Nancy McMahon indicated that the remains were found on Mr. Sutherland's property. The remains were fragmented, and the department authorized for the disinterment of the remains.

VI. CLOSED SESSION

Chair Hubbard informed the public that the Council would be closing the remainder of the meeting. Chair Hubbard asked that the Council deem the information provided by the department as sensitive and confidential.

Motion was made and seconded to go into closed executive session to discuss sensitive burial site locations with the Department of Land and Natural Resources. (Say/A'ana-Nakahara)

VOTE: ALL IN FAVOR. Motion carries.

Motion was made and seconded to move out of closed executive session. (Say/A'ana-Nakara)

VOTE: ALL IN FAVOR. Motion Carries.

VII. ADJOURNMENT

The open session of the meeting reconvened around 11:55 a.m. Chair Hubbard reminded the Council that the next meeting will be held on Thursday, March 1.

Motion was made and seconded to adjourn the meeting. (Say/Crowell)

VOTE: ALL IN FAVOR. Motion Carries.

The meeting adjourned at noon.

Respectfully Submitted,

Melanie A. Chinen, Administrator
State Historic Preservation Division